



## ZONING BOARD OF APPEALS

*Regular Meeting*  
October 27, 2008

### **DRAFT COPY**

Chairman David Clark called the regular meeting of the Park Township Zoning Board of Appeals to order at 6:00 p.m.

Present: Doug Dreyer, Jim Hertel, David Clark, Nicki Arendshorst and Eric Davis, Zoning Inspector

Absent: Skip Keeter

### **MOTION**

A motion was made by Hertel and supported by Arendshorst to approve the agenda as presented.

### **VOTE**

Motion carried: 4-0

### **MOTION**

A motion was made by Arendshorst and supported by Dreyer to approve the minutes for the September 29, 2008 regular meeting as presented.

### **VOTE**

Motion carried: 4-0

### **Item #1**

James Hoekstra is requesting a special use to place an accessory building between his principle building and Lake Michigan. The ZBA is authorized to grant this special use per section 4.11(b) (2) (i) of the Park Township Zoning Ordinance if the standards under this section are met. This property is located at 40 Lake Street in Idlewood Beach (Tax Parcel # 70-15-28-130-007). (R-2)

James Hoekstra, Ada, MI, presented the request. He stated that this building would replace an existing building that has been there for thirty years. It would be in the same location. The building would be five feet from the north lot line.

The public hearing was opened at 6:05 p.m.

A letter in opposition was received from William Voet.

The public hearing was closed at 6:07 p.m.

Arendshorst asked if this had to do with replacing a non-conforming structure.

Davis stated that it can be treated as a special use request under section 4.11 (b) (2) (i).

Clark went over the standards for a lakefront placement found in section 4.11 (b) (2) (i) of the Park Township Zoning Ordinance:

1. *The location of buildings on the lot or adjoining properties:* The proposed location is the same.
2. *The effect of the proposed accessory building on adjoining properties in relation to view, light and air circulation, noise, etc.:* The height would be eleven feet (11'). There is a twelve foot hedge to the north that would obscure the building from the property to the north. Arendshorst asked how this affected the view of the property across the street to the east. Hoekstra stated that that neighbor would have the accessory building in his view but this has always been the case. Arendshorst asked if he had considered placing it somewhere else. He stated that there are not a lot of other options. Dreyer asked if they had to take into account the view of the neighbors across the street. Davis stated that when the ordinance talks about line of sight the intent is the effect on the view for lakefront property owners.
3. *The character of the proposed accessory building and the effect on the surrounding neighborhood:* This is an improvement over the existing building. The proposed building would be sided with the same materials as the house. Hoekstra stated that it was his intent to landscape the building.

### **MOTION**

A motion was made by Dreyer and supported by Arendshorst to approve the placement as presented based on the standards.

### **VOTE**

Motion carried: 4-0

### **Item #2**

Mark Andrew is requesting a special use to place an accessory building closer to the side and rear property lines than section 4.11(b) (2) (g) allows. The ZBA is authorized to grant this special use per section 4.11(b) (2) (i) of the Park Township Zoning Ordinance if the standards under this section are met. This property is located on Lake Macatawa at 987 Post Ave (Tax Parcel # 70-15-25-179-020). (R-3)

No one was present to represent the applicant.

The public hearing was opened at 6:20 p.m.

No one spoke.

The public hearing was closed at 6:20 p.m.

Clark stated that he would like the building moved over to be ten feet (10') from the house. That would leave four (4') feet from the side lot line.

A discussion ensued.

Clark went over the standards for a lakefront placement found in section 4.11 (b) (2) (i) of the Park Township Zoning Ordinance.

1. *The location of buildings on the lot or adjoining properties:* The house is shoved to the west on the lot, so there is not a lot of room left for an accessory building.
2. *The effect of the proposed accessory building on adjoining properties in relation to view, light and air circulation, noise, etc.:* It doesn't affect any neighbor.
3. *The character of the proposed accessory building and the effect on the surrounding neighborhood:* There is no effect on the neighbors.

### **MOTION**

A motion was made by Arendshorst and supported by Hertel to approve the placement. The building is to be no closer than four feet (4') from the west lot line and five feet (5') from the north lot line.

### **VOTE**

Motion carried: 4-0

**Item #3** Joseph Los on behalf of Dean and Linda Overman is requesting variances from section 10.04 of the Park Township Zoning Ordinance to construct additions that would be closer to the property lines than section 10.04 allows. This property is located at 2434 Interlake Walk (Tax Parcel # 70-15-33-384-004). (R-4)

Joe Los, builder, presented the request. He stated that there was a variance approved for this property last year but those plans have been scaled down considerably since then. They would like to build two additions. The porch on the north would be turned into living space. The second addition would expand to within four feet eleven inches (4' 11") of the east property line.

The public hearing was opened at 6:32 p.m.

Staff stated that a phone call in support was received from Mr. Lecklider, 2397 Interlake Walk.

Three letters of support were received.

The public hearing was closed at 6:33 p.m.

Dreyer stated that this improves the design from the previous variance request. The height would be the same as other structures in the area. He is in support, especially since there is no opposition from the neighbors.

Clark clarified that the porch is already there.

Dreyer stated that he didn't see how this would impede anyone's view.

Arendshorst stated that she wanted to be careful about letting the houses in this area get too tall.

Clark clarified that the applicant is asking for a front setback (Interlake Walk) of 3' 4 5/16" and a side setback on the west not to extend beyond the current porch and a setback to the east of 4' 10 15/16".

Clark went over the four standards (found at the end of these minutes) for a practical difficulty for a dimensional variance:

1. Strict compliance is not an option on the west or the north.
2. A lesser relaxation would not provide a functional room.
3. This property is unique in the township. Also, the property has two front yards.
4. It is not self-created.

Dreyer stated that they are taking a fifteen foot walkway between the house and the lot line on the east and taking up seven feet of it, but there would end up to be approximately twelve feet between the new addition and the house next door.

### **MOTION**

A motion was made by Dreyer and supported by Hertel to approve the variance request because the four standards can be met. The following setbacks were approved:

1. North and west - existing porch line
2. No less than four feet ten inches (4'10") on the east side.

### **VOTE**

Motion carried: 4-0

### **ANNOUNCEMENTS**

1. There was a discussion on changing the ordinance regarding overlays, etc. and how to proceed.
2. Arendshorst stated that the Planning Commission (PC) got a letter from township supervisor Stu Visser. The PC asked Arendshorst to bring it to the attention of the ZBA. There has been a suggestion that a certain type of special use be considered to allow for storage buildings. Arendshorst stated that the PC has a subcommittee currently looking at some other proposed ordinance changes and they are going to look at this as well. She stated that the PC wants to know if someone from the ZBA wants to be on that committee. Clark stated that he would.
3. Dreyer asked about the composition of the ZBA going forward as it related to the election. Brodie stated that that was being worked on in the office and a determination would be made after the election.
4. Davis stated that he went to an on-staff planners meeting at the county that was about the draft wind generation ordinance. He stated that the township will need to proceed with such an ordinance. He stated that the state has mandated that every public utility must have 20% renewable energy by a certain date.

**MOTION**

A motion was made by Arendshorst and supported by Dreyer to adjourn at 7:10 p.m.

**VOTE**

Motion carried: 4-0

Meeting adjourned.

Sandy Brodie  
Recording Secretary

The following briefly states the standards used for finding a practical difficulty for a dimensional variance:

- a. Whether strict compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would render conformity with such restrictions unnecessarily burdensome.
- b. Whether granting a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.
- c. Whether the plight of the owner/applicant is due to unique circumstances of the property and not to general conditions in the area.
- d. Whether the problem is self-created.

The following briefly states the standards used for finding an unnecessary hardship for a use variance:

- a. That the property cannot be used for any of the uses permitted in the district in which it is located. This means none of the uses (by right or special use permit) allow a reasonable economic return on the use of the property.
- b. That the plight of the property owner is due to unique circumstances peculiar to the property (i.e. odd shape or a natural feature like a stream or wetland) and is not due to general neighborhood conditions.
- c. That the proposed use would not alter the essential character of the area.
- d. That the problem was not self-created.